

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DIMITRI Z. STORM,

Plaintiff,

v.

NEWSOM, *et al.*,

Defendants.

No. 1:24-cv-00236-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITH PREJUDICE, FOR FAILURE
TO STATE A CLAIM, FAILURE TO OBEY
COURT ORDER, AND FAILURE TO
PROSECUTE

Doc. 16

Plaintiff Dimitri Z. Storm is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 22, 2024, the assigned magistrate judge screened the complaint and found that it failed to comply with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim for relief. Doc. 9. Plaintiff was granted leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days. *Id.* Plaintiff was warned that failure to comply with the Court's order would result in a recommendation for dismissal of this action, with prejudice. *Id.* On October 10, 2024, following plaintiff's failure to file an amended complaint or otherwise communicate with the Court, the magistrate judge issued findings and recommendations to dismiss this action, with prejudice, for failure to state a claim, failure to obey a court order, and failure to prosecute. Doc. 12. Plaintiff filed objections on October 29, 2024, and the magistrate

1 judge found it appropriate to vacate the October 10, 2024, findings and recommendations and
2 granted plaintiff a thirty-day extension of time to file an amended complaint. Doc. 14. Plaintiff
3 was again warned that failure to file a first amended complaint would result in dismissal of this
4 action, with prejudice, for failure to obey a court order and failure to state a claim. *Id.*

5 Plaintiff did not file an amended complaint or otherwise communicate with the Court.
6 Therefore, on January 6, 2025, the magistrate judge again issued findings and recommendations
7 to dismiss this action, with prejudice, for failure to state a claim, failure to obey a court order, and
8 failure to prosecute. Doc. 16. Those findings and recommendations were served on plaintiff and
9 contained notice that any objections thereto were to be filed within fourteen (14) days after
10 service. *Id.* Plaintiff has not filed objections to the findings and recommendations or otherwise
11 communicated with the Court.

12 In accordance with the provisions of 28 U.S.C. § 636 (b)(1), this Court has conducted a *de*
13 *novo* review of the case. Having carefully reviewed the file, the Court concludes that the
14 magistrate judge's findings and recommendations are supported by the record and by proper
15 analysis.

16 Accordingly, the Court ORDERS:

- 17 1. The findings and recommendations issued on January 6, 2025, Doc. 16, are ADOPTED
18 IN FULL;
19 2. This action is DISMISSED, with prejudice, due to plaintiff's failure to state a claim,
20 failure to obey a court order, and failure to prosecute; and
21 3. The Clerk of the Court is directed to close this case.

22
23
24 IT IS SO ORDERED.

25 Dated: February 6, 2025

26
27
28

UNITED STATES DISTRICT JUDGE